

HOUSE BILL 1069

R3
HB 259/10 – JUD

11r2630

By: **Delegates Ready, Clippinger, Eckardt, Frank, Hogan, Holmes, Hough, Kach, Krebs, McComas, McDermott, Mitchell, Myers, Schulz, Stocksedale, V. Turner, and Wilson**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk or Drugged Driving – Subsequent Offenders – Notation on Driver’s**
3 **License**

4 FOR the purpose of requiring the Motor Vehicle Administration to cancel the driver’s
5 license of a licensee convicted of certain drunk or drugged driving violations if
6 the licensee was previously convicted of a certain drunk or drugged driving
7 violation; authorizing an individual whose driver’s license has been canceled
8 under certain circumstances to apply for a new driver’s license; authorizing a
9 certain application for a new driver’s license to be made after a certain time;
10 requiring the Administration to issue a new driver’s license under certain
11 circumstances; requiring certain licenses issued under this Act to contain a
12 certain notation; providing that a certain license may be issued only after the
13 expiration of certain periods of suspension or revocation; providing that the
14 issuance of a certain driver’s license does not affect any period of suspension or
15 revocation or any license restriction imposed on a certain licensee; requiring a
16 certain fee; providing that a merchant or an agent or employee of a merchant
17 may not be held civilly liable for the refusal to sell or distribute an alcoholic
18 beverage to a certain individual; providing for the application of this Act; and
19 generally relating to individuals convicted of subsequent drunk or drugged
20 driving offenses.

21 BY adding to
22 Article – Transportation
23 Section 16–113.1
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2010 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 16–201
2 Annotated Code of Maryland
3 (2009 Replacement Volume and 2010 Supplement)

4 BY repealing and reenacting, without amendments,
5 Article – Transportation
6 Section 21–902
7 Annotated Code of Maryland
8 (2009 Replacement Volume and 2010 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article – Transportation**

12 **16–113.1.**

13 (A) (1) AN INDIVIDUAL WHOSE DRIVER’S LICENSE HAS BEEN
14 CANCELED UNDER § 16–201(B) OF THIS TITLE MAY APPLY FOR ISSUANCE OF A
15 NEW DRIVER’S LICENSE.

16 (2) SUBJECT TO THE PROVISIONS OF THIS ARTICLE, AN
17 APPLICATION FOR A NEW DRIVER’S LICENSE UNDER THIS SECTION MAY BE
18 FILED AT ANY TIME AFTER THE DAY THE CANCELED DRIVER’S LICENSE IS
19 SURRENDERED TO AND RECEIVED BY THE ADMINISTRATION.

20 (B) (1) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE
21 ADMINISTRATION SHALL ISSUE A NEW DRIVER’S LICENSE TO AN INDIVIDUAL
22 WHO:

23 (I) APPLIES UNDER THIS SECTION;

24 (II) PAYS THE REQUIRED FEE; AND

25 (III) PASSES ANY REQUIRED EXAMINATIONS.

26 (2) A DRIVER’S LICENSE ISSUED UNDER THIS SECTION SHALL
27 CONTAIN A PROMINENT NOTATION THAT THE LICENSEE HAS BEEN CONVICTED
28 OF MULTIPLE VIOLATIONS OF DRUNK OR DRUGGED DRIVING.

29 (3) ANY SUBSEQUENT RENEWALS OF A DRIVER’S LICENSE ISSUED
30 UNDER THIS SECTION SHALL CONTAIN THE NOTATION REQUIRED UNDER
31 PARAGRAPH (2) OF THIS SUBSECTION.

1 **(C) (1) A DRIVER'S LICENSE MAY BE ISSUED UNDER THIS SECTION**
2 **ONLY AFTER THE EXPIRATION OF ANY PERIOD OF SUSPENSION OR REVOCATION**
3 **IMPOSED ON THE LICENSEE.**

4 **(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS**
5 **SECTION DOES NOT AFFECT ANY PERIOD OF SUSPENSION OR REVOCATION OR**
6 **ANY LICENSE RESTRICTION IMPOSED ON THE LICENSEE.**

7 **(D) FOR ISSUANCE OF A DRIVER'S LICENSE UNDER THIS SECTION, A**
8 **LICENSEE SHALL PAY THE ADMINISTRATION A FEE ESTABLISHED BY THE**
9 **ADMINISTRATION.**

10 **(E) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, BEFORE ISSUING**
11 **A NEW DRIVER'S LICENSE UNDER THIS SECTION, THE ADMINISTRATION MAY**
12 **REQUIRE THE APPLICANT TO SUBMIT TO THE EXAMINATIONS THAT THE**
13 **ADMINISTRATION CONSIDERS APPROPRIATE.**

14 **(F) A MERCHANT OR AN AGENT OR EMPLOYEE OF A MERCHANT MAY**
15 **NOT BE HELD CIVILLY LIABLE FOR ANY REFUSAL TO SELL OR OTHERWISE**
16 **DISTRIBUTE AN ALCOHOLIC BEVERAGE TO A PERSON DISPLAYING A LICENSE**
17 **ISSUED UNDER THIS SECTION.**

18 16-201.

19 (a) The Administration may cancel a driver's license issued under this title if
20 it determines that the licensee:

21 (1) Was not entitled to be issued the license;

22 (2) Failed to give the required or correct information in his
23 application; or

24 (3) Committed fraud in making the application or in obtaining the
25 license.

26 **(b) (1) THE ADMINISTRATION SHALL CANCEL A DRIVER'S LICENSE**
27 **ISSUED UNDER THIS TITLE OF A LICENSEE CONVICTED OF ANY VIOLATION**
28 **UNDER § 21-902 OF THIS ARTICLE IF THE LICENSEE PREVIOUSLY WAS**
29 **CONVICTED OF ANY VIOLATION UNDER § 21-902 OF THIS ARTICLE.**

30 **(2) IF A DRIVER'S LICENSE IS CANCELED UNDER THIS**
31 **SUBSECTION, A NEW DRIVER'S LICENSE MAY BE ISSUED TO THE LICENSEE ONLY**
32 **IN ACCORDANCE WITH § 16-113.1 OF THIS TITLE.**

1 (C) On cancellation, the licensee immediately shall surrender the canceled
2 license to the Administration.

3 21-902.

4 (a) (1) A person may not drive or attempt to drive any vehicle while under
5 the influence of alcohol.

6 (2) A person may not drive or attempt to drive any vehicle while the
7 person is under the influence of alcohol per se.

8 (3) A person may not violate paragraph (1) or (2) of this subsection
9 while transporting a minor.

10 (b) (1) A person may not drive or attempt to drive any vehicle while
11 impaired by alcohol.

12 (2) A person may not violate paragraph (1) of this subsection while
13 transporting a minor.

14 (c) (1) A person may not drive or attempt to drive any vehicle while he is
15 so far impaired by any drug, any combination of drugs, or a combination of one or more
16 drugs and alcohol that he cannot drive a vehicle safely.

17 (2) It is not a defense to any charge of violating this subsection that
18 the person charged is or was entitled under the laws of this State to use the drug,
19 combination of drugs, or combination of one or more drugs and alcohol, unless the
20 person was unaware that the drug or combination would make the person incapable of
21 safely driving a vehicle.

22 (3) A person may not violate paragraph (1) of this subsection while
23 transporting a minor.

24 (d) (1) A person may not drive or attempt to drive any vehicle while the
25 person is impaired by any controlled dangerous substance, as that term is defined in §
26 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled
27 dangerous substance under the laws of this State.

28 (2) A person may not violate paragraph (1) of this subsection while
29 transporting a minor.

30 (e) For purposes of the application of subsequent offender penalties under §
31 27-101 of this article, a conviction for a crime committed in another state or federal
32 jurisdiction that, if committed in this State, would constitute a violation of subsection
33 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b), (c),
34 or (d) of this section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
2 construed to apply only prospectively and may not be applied or interpreted to have
3 any effect on or application to any second or subsequent conviction of a violation under
4 § 21-902 of the Transportation Article before the effective date of this Act.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2011.